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THE ANDHRA PRADESH GAZETTE
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AMARAVATI, THURSDAY, MARCH 20, 2025

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**REGIONAL JOINT DIRECTOR,
WOMEN DEVELOPMENT & CHILD WELFARE DEPARTMENT
ONGOLE**

Rc.No.11021/4/2025.

Dated. 15.03.2025.

Smt. RANJALA KALPANA, FORMER MATRON CUM STORE KEEPER , O/o CHILDREN HOME PIDUGURALLA - REMOVAL ORDERS ISSUED - CHALLENGED REMOVAL ORDERS IN A.P.A.T. FILED O.A.NO. 9053 OF 2001 - ORDERS ISSUED IN O.A DT. 18.05.2002 - WD&CW DEPT., A.P, FILED W.P.No. 21350 OF 2004 CHALLENGED ORDERS OF A.P.A.T - HON'BLE HIGH COURT PRONOUNCED JUDGMENT IN W.P - DIRECTED TO COMPLY THE ORDERS OF A.P. A.T ISSUED ON 18.05.2002 - WHEREABOUTS ARE UNKNOWN.

Ref: Hon'ble High court orders in W.P.No. 21350 of 2004 Dated: 12.12.2024.

**

As per the subject and reference above cited, Smt. Ranjala Kalpana, former Matron cum store keeper, O/o Children Home Piduguralla was removed from services by the then Regional Deputy Director, WD&CW Dept.,. The individual has filed O.A.No. 9053 of 2001 and challenging the removal orders in A.P.A.T.,. The Hon'ble A.P.A.T on dt.18.05.2002 has quashed removal orders with all consequential benefits to the petitioner including full salary to her for the period she was out of service and also, service benefits like seniority, promotion and also counting of the period of absence for the purpose of pension.

Further, WD&CW Dept., A.P has filed W.P.No. 21350 of 2024 on the orders of hon'ble A.P.A.T, dt. 18.05.2002. The hon'ble High court, A.P, Amaravathi pronounced Judgment dated 12.12.2024 and directed to comply the orders of the Hon'ble A.P.A.T, dt. 18.05.2002. In obedience to the Hon'ble High court orders a letter was sent to the individual to the address available in office records with intimation to approach O/o Regional Joint Director, WD&CW Dept., Ongole and furnish required information for further action.

It is further submitted that, the letter sent to the individual was returned by the postal department with remarks as " No such person in the address". In view of above it is preferred to publish in gazette that " **Smt. Ranjala Kalpana, former Matron cum store keeper, O/o Children Home Piduguralla informed to approach Regional Joint Director, WD&CW Dept., Ongole, Prakasam District to furnish required information of the individual for proceed further in implementation of Hon'ble High court orders."**

Encl:- Above Ref.

S. JAYALAKSHMI,
Regional Joint Director,
Women Development & Child Welfare Department,
Ongole.

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No. 21350 of 2004

Between:

The Commissioner & Director,
Women Development & Child Welfare Department,
A.P., Hyderabad and another

.....PETITIONERS

AND

R. Kalpana

.....RESPONDENT

DATE OF JUDGMENT PRONOUNCED: **12.12.2024****SUBMITTED FOR APPROVAL:**

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

NYAPATHY VIJAY, J

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*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE NYAPATHY VIJAY
+ WRIT PETITION No. 21350 of 2004**

% 12.12.2024

Between:

The Commissioner & Director,
Women Development & Child Welfare Department,
A.P., Hyderabad and another

.....PETITIONERS

AND

R. Kalpana

.....RESPONDENT

! Counsel for the Petitioners : Sri Nagaraju Naguru,
G.P. for Services-III

Counsel for the Respondent : Sri C. Srinivasa Baba

< Gist :

> Head Note:

? Cases Referred:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BL SRI JUSTICE NYAPATHY VIJAY**

WRIT PETITION No. 21350 of 2004

JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri Nagaraju Naguru, learned Government Pleader for Services-III, appearing for the petitioners, and Sri C. Srinivasa Baba, learned counsel for the respondent, who appeared through virtual mode and perused the material on record.

2. Petitioners are challenging the Order dated 08.05.2002 passed by the Andhra Pradesh Administrative Tribunal at Hyderabad (in short 'the Tribunal') in O.A.No.9053 of 2001.

3. The Tribunal allowed the O.A.No.9053 of 2001 filed by the applicant/present respondent, challenging her order of removal from service. The O.A.No.9053 of 2001 was allowed with further directions as contained therein, which would be reproduced shortly.

4. Briefly stated the facts of the case are that the respondent was appointed as woman police constable in February, 1982. She belongs to Scheduled Caste community. Her probation was terminated on 11.04.1984. Being aggrieved, she filed RP No.9979/1984 before the Tribunal. In the meantime, a notification was issued by the Women Development and Child Welfare Department. She applied for the post of Matron; was got selected and was appointed on 27.02.1985. After she joined as Matron in the department of Women Development and Child Welfare Department, her RP No.9979/1984 was

allowed by the Tribunal on 16.03.1986, setting aside the order of termination of her probation issued by the Superintendent of Police in the Police Department. She was unaware of that order for some time and thereafter on acquiring the knowledge, she took leave on 04.10.1986 in the department of Women Development and Child Welfare Department where she was working and approached the Office of the Superintendent of Police and as per her case, she was forced to submit the joining report which she did under duress, but after coming back she immediately on the same day submitted her resignation through registered post with acknowledgment due. She continued thereafter as Matron in the Women Development and Child Welfare Department.

5. In the department of Police, her probation was declared on 06.06.1986 and thereafter, ignoring her resignation letter dated 04.10.1986, she was declared as deserter with effect from 05.10.1986. The police department also conducted *suo motu* enquiry and treated her as an unauthorized absentee by order dated 12.02.1987. During the enquiry, the respondent informed the police that she had already resigned on 04.10.1986 itself, she also furnished the copy of her resignation letter, during enquiry. However, a charge memo was issued by the Sub-Divisional Police Officer, Tenali on 19.06.1987 and finally, the order of removal from service as woman police constable in the police department was passed on 20.05.1989.

6. The police department also informed the Women Development and Child Welfare Department of the aforesaid facts, and consequently, she was placed under suspension by the Women Development and Child Welfare

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Department with effect from 01.12.1988. A charge memo was also issued to the respondent on 25.04.1989 on the charge that she suppressed the fact of her employment in the police department at the time of her obtaining appointment in Women Development and Child Welfare Department, as Matron. She filed O.A.No.82382 of 1990 questioning the order of suspension. The same was disposed of by the Tribunal on 21.12.1990 directing the respondents therein to pay her subsistence allowance and also to conclude the enquiry within three months. Finally, she was removed from service on 12.02.1993, against which, she filed O.A.No.790 of 1994, which was disposed of on 28.02.1994 with a direction to avail the remedy of departmental appeal. The appellate authority i.e., the Commissioner of Women Development and Child Welfare Department allowed the appeal on 13.10.1994, directing the disciplinary authority to pass fresh order, after furnishing the copy of the enquiry officer's report to the respondent. The respondent filed O.A.No.1829 of 1995, in which interim order dated 25.04.1995 was passed for payment of subsistence allowance. During the pendency of that O.A.No.1829 of 1995, a show cause notice dated 02.11.1995 was issued proposing to impose major penalty. Final orders of removal from service were issued by the Regional Deputy Director, Ongole on 28.11.1997.

7. The Order of removal dated 28.11.1997 was questioned in O.A.No.4650 of 1997. During pendency of the O.A.No.4650 of 1997, the respondent was arrested on 28.11.1997 in a criminal case which was registered against the respondent under Section 420 IPC. She was released on bail on

06.12.1997. The criminal case finally ended in acquittal, vide the judgment of the First Additional Munisif Magistrate, Gurajala, dated 12.01.2000. O.A.No.1829 of 1995 and O.A.No.4650 of 1997 were clubbed and decided by the Tribunal on 29.01.1999. Those O.As were allowed with direction that a fresh show cause notice be issued to the applicant. Challenging the order of the Tribunal, she filed W.P.No.9131 of 1999. The same was allowed by order dated 22.07.1999, directing the disciplinary authority to pass orders independently, without being influenced by the orders of the Commissioner of Women Development and Child Welfare Department, dated 13.10.1994. The respondent, in response to the notice issued, appeared before the Regional Deputy Director of Women Development and Child Welfare Department for personal hearing. The Regional Deputy Director of Women Development and Child Welfare Department issued show cause notice along with copy of the enquiry officer's report. The enquiry officer, out of 7 charges, held only one charge proved. The respondent filed representation to the enquiry officer's report, also enclosing the copy of the judgment of the First Additional Munisif Magistrate, Ongole. However, the Regional Deputy Director of Women Development and Child Welfare Department, Ongole passed order on 23.11.2001 removing the respondent from service. Challenging the order of removal from service, she filed O.A.No.9053 of 2001, which was allowed by the Tribunal on 08.05.2002.

8. The operative portion of the order dated 08.05.2002 in O.A.No.9053 of 2001 in paragraphs-17 and 18, read as under:

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“17. Thus, it is to be necessarily held that the impugned orders are with total lack of application of mind, and issued due to the extraneous factors and therefore, they cannot be sustained for the reasons mentioned supra. As the impugned orders are totally devoid of merits and as they are accordingly liable to be struck down, they are quashed accordingly with all consequential benefits to the applicant, including full salary to her for the period she was out of service and also, service benefits like seniority, promotions and also counting of the period of absence for the purpose of pension. Accordingly, the respondents are directed to pay full salary to the applicant for the period she was out of service, duly deducting the amount which was paid to her towards subsistence allowance.

18. It was also seen that the applicant made a representation to the Deputy Superintendent of Police, Tenali, on 19.10.1988, requesting him to pay salary arrears from 19.03.1984 to 26.02.1985. Undisputedly the applicant worked as Woman Police Constable in the Police Department on 19.03.1984. Therefore, the Superintendent of Police, Guntur, is directed to pay arrears of salary to the applicant, if not already paid, till 19.04.1984 by which date the orders of the termination of probation of the applicant issued by the Superintendent of Police on 11.04.1984 came into effect.”

9. The Commissioner and Director, Women Development and Child Welfare Department, Hyderabad and the Regional Deputy Director, Women Development and Child Welfare Department, Ongole have challenged the Order of the Tribunal, dated 08.05.2002, passed in O.A.No.9053 of 2001.

10. Learned GP for the petitioners submitted that there was suppression of material fact by the respondent. She joined the police department as woman police constable and this fact was not disclosed, and by suppressing this fact, she also joined as Matron after being successful in open competition in the department of Women Development and Child Welfare Department.

Consequently, his submission is that there being no dispute on these facts, the charge was proved during enquiry. The respondent was afforded opportunity of hearing in the enquiry. The enquiry officer's report was also served on her. She filed representation and considering the same, the order of removal from service was passed, and consequently, there is no illegality in the order of removal which was passed in consonance with the principles of natural justice and the procedure in the enquiry. The Tribunal therefore was not right in interfering with the order of removal.

11. Learned GP further submitted that the respondent took leave on 04.10.1986. On our specific query, he submitted that from 05.10.1986 again she was on duty and she was working in the department of Women Development and Child Welfare Department as Matron until her removal from service. She remained in service of the Women Development and Child Welfare Department.

12. From the narration of facts, which are not in dispute, except that the respondent submitted resignation on 04.10.1986 or not to the police department, which learned GP could not say with authenticity, as he submitted that, the said resignation letter is not on record and as it is pertaining to the police department, we find from the aforesaid facts that, it cannot be said that at the time the respondent applied pursuant to the notification issued for the post of Matron for the Women Development and Child Welfare Department and was selected and appointed and joined, she was in the service of the police department. The reason is that her probation was terminated on 11.04.1984,

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against which, though she filed RP.No.9979 of 1984, but there was no interim order in the said RP, on the order of termination. She was selected and appointed on 27.02.1985 i.e., during pendency of RP. The RP.No.9979 of 1984 was allowed on 16.03.1986 when she was in the service as Matron in the department of Women Development and Child Welfare Department. So, we are of the considered view that at the time she applied and was selected and appointed as Matron, though RP No.9979 of 1984 was pending, she was not in the service of the police department. So, there is no question of suppression.

13. It cannot be said that the respondent ought to have waited for the outcome of RP.No.9979 of 1984 and ought not to have applied for her selection/appointment in different department pursuant to the notification issued by the department of Women Development and Child Welfare Department. At that time, she was not in the service of the police department, her probation had already been terminated and there was no stay on such termination by the Tribunal.

14. Further, the charge which was proved i.e., charge No.7, was not that she got the appointment in the department of Women Development and Child Welfare Department, pursuant to the notification issued by the department for the post of Matron was by suppression of material fact of the respondent's previous employment in the police department. The order of removal was passed on the charge that she took casual leave on 04.10.1986 in the Women Development and Child Welfare Department and reported to duty as woman police constable in the police department on 04.10.1986.

15. The charge No.7, which as per the enquiry officer's report was proved and the disciplinary authority taking the charge as proved had passed the order of removal, was as under:

“Charge No.7: While you have been discharging your duties at Matron in the Department and on 04.10.1986 you have given casual leave and joined in Police Department at Guntur as a constable and given joining report also. So, at one time, one person has no right to do two government posts, it is against law. So, you have to give explanation to this charge.

Evidence: dt.04.10.1986: Superintendent of District Police Office, Guntur sent a letter to this office as you have joined as Police Constable and you have given joining report and you have not attended to duty from 05.10.1986.

So, you have to give explanation for the above charges immediately or else disciplinary action shall be taken against you according to the Charge Memo and you have to send explanation on or before 29.05.1989 by in person to this office. Or else as per the evidence lying with us, we will take necessary action against you.”

16. Though the case of the department is that she joined there in police department, from 04.10.1986, but from 05.10.1986 onwards, after casual leave, she was continuously working with the department of Women Development and Child Welfare Department. So, we find force in the submission of the respondent's counsel that when she went to the police department on 04.10.1986 she was forced to submit the joining report and immediately after coming therefrom she submitted resignation on 04.10.1986 itself. If the respondent had the intention to continue with the police department, she ought not to have come back and resumed duty in the department of Women Development and Child Welfare Department as Matron

from 05.10.1986. She applied for casual leave only for 04.10.1986, which was granted and from the next day she was continuing with the department of Women Development and Child Welfare Department. The evidence as mentioned in support of Charge No.7, in para-15 (supra), also shows that as per the letter of the Superintendent of Police, Guntur, the respondent gave joining report, but did not attend duty from 05.10.1986 (i.e., in police department).

17. The case of the respondent was that joining report was given under duress and she immediately while coming back submitted the resignation by registered post with acknowledgement due on 04.10.1986 itself. It is undisputed that from 05.10.1986 she was working with the department of Women Development and Child Welfare Department. It is also undisputed that on 04.10.1986 she was granted leave. The petitioners could not dispute that the submission of the joining report in the police department on 04.10.1986 was not under duress nor that she submitted resignation on 04.10.1986.

18. For the aforesaid reasons, we are not inclined to accept the submissions of the learned GP that because of suppression of material fact of the respondent employment in the police department, the order of removal is liable to be maintained by setting aside the order of the Tribunal. We are of the considered view that *per se* the said charge was not proved in the enquiry, consequently, the removal order was passed on proof of charge No.7 only, but we find that the charge No.7 could not be proved and based thereon, the order of removal could not be passed, for the reason that the leave for 04.10.1986

was granted and from 05.10.1986 the respondent was continuing to work with the department of Women Development and Child Welfare Department itself as Matron. It could not be proved that she joined the police department on 04.10.1986 not under duress, nor it could be proved that she continued in the police department, which is evidenced from the evidence in support of Charge No.7.

19. The respondent submitted resignation on 04.10.1986. We are of the view that such resignation was necessitated for the reason that the RP No.9979 of 1984 was allowed by the Tribunal and when she came to know about that order, she had to resign from the post of woman police constable. From the next day i.e., 05.10.1986 she continued with the department of Women Development and Child Welfare Department.

20. It would be traversity of justice that in the police department ignoring the resignation dated 04.10.1986, the respondent was removed from the service for unauthorised absence and she was also removed from service from the post of Matron by the Women Development and Child Welfare Department on the ground that she joined in the police department on 04.10.1986, whereas, the admitted fact is that on 04.10.1986 she was on casual leave and from 05.10.1986 onwards she continued with the department of Women Development and Child Welfare Department on the post of Matron, like earlier.

21. To maintain the orders of removal, would be perpetuating injustice to the respondent at the hands of both the departments.

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22. The proceedings of the police department are not in issue before this Court, but in view of the resignation submitted on 04.10.1986, subsequent proceedings taken against her declaring the respondent as deserter with effect from 05.10.1986 and also passing the order of removal from service as woman police constable in the police department dated 20.05.1989 for unauthorized absence, in spite of tendering her resignation, and also intimating in the enquiry in police department that she had submitted resignation on 04.10.1986, cannot be sustained and those orders ought not to have been passed, also for the reasons that she had already joined in the different department i.e., Women Development and Child Welfare Department and even if the RP No.9979 of 1984 was allowed on 16.03.1986, setting aside the termination order of the police department, the respondent only demanded for consequential benefits up to 16.03.1986 i.e., the date of Order, from the date of termination of her probation.

23. We find no reason to interfere with the order of the Tribunal.

24. In the present writ petition, on 23.11.2004 interim suspension was granted on the Order of the Tribunal. On 06.08.2008 vacation of the interim order on the vacate stay petition was declined. The interim order merges in the final order.

25. The Writ Petition is dismissed.

26. Let the petitioners comply with the Order of the Tribunal, within a period of one month from today.

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27. Let copy of this Order be sent to the Superintendent of Police, Guntur as well, in view of the direction of the Tribunal in paragraph-18 of its judgment.

28. Let the petitioners and the Superintendent of Police, Guntur submit compliance report within 6 (six) weeks from today.

29. List the matter after 6 (six) weeks under the caption 'For perusal of compliance report'.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

NYAPATHY VIJAY, J

Date: 12.12.2024
Dsr

Note:
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